

AMENDED IN SENATE JULY 1, 2003
AMENDED IN ASSEMBLY MAY 27, 2003
AMENDED IN ASSEMBLY MAY 7, 2003
AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1248

Introduced by Assembly Member Aghazarian

February 21, 2003

An act to ~~add Section 13167.5 to~~ amend Section 13264 of, and to add Section 13167.5 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as amended, Aghazarian. Waste discharge requirements: ~~public notice and comments.~~

Existing

(1) *Existing* law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board and the California regional water quality control boards to carry out various duties relating to water quality, including the issuance of waste discharge requirements and actions to enforce those requirements, including the issuance of time schedule orders, and water reclamation requirements.

This bill would require the state board or the regional board, as appropriate, to provide notice and a period of at least 30 days for public comment prior to adopting waste discharge, requirements, water reclamation requirements, or those described orders.

(2) Under existing law, the act prohibits a person from initiating a new discharge of waste, or from making a material change in a discharge, after filing a waste discharge report and before the issuance of waste discharge requirements or a waiver, or the expiration of 120 days under certain conditions, whichever is earlier.

The bill would change that time period to 140 days.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13167.5 is added to the Water Code, to
2 read:

3 ~~13167.5. Notwithstanding any other provision of law, the~~
4 *13167.5. The state board or the regional board, as applicable,*
5 *shall provide notice and a period of at least 30 days for public*
6 *comment prior to the adoption of any of the following:*

7 (a) Waste discharge requirements prescribed pursuant to
8 Sections 13263 or 13377.

9 (b) Water reclamation requirements prescribed pursuant to
10 Section 13523.

11 (c) An order issued pursuant to Section 13320.

12 (d) A time schedule order adopted pursuant to Section 13300
13 that sets forth a schedule of compliance and required actions
14 relating to waste discharge requirements prescribed pursuant to
15 Section 13263 or 13377.

16 SEC. 2. Section 13264 of the Water Code is amended to read:

17 13264. (a) No person shall initiate any new discharge of
18 waste or make any material changes in any discharge, or initiate
19 a discharge to, make any material changes in a discharge to, or
20 construct, an injection well, prior to the filing of the report required
21 by Section 13260 and no person shall take any of these actions after
22 filing the report but before whichever of the following occurs first:

23 (1) The issuance of waste discharge requirements pursuant to
24 Section 13263.

25 (2) The expiration of ~~120~~ 140 days after compliance with
26 Section 13260 if any of the following applies:

27 (A) The project is not subject to the California Environmental
28 Quality Act (Division 13 (commencing with Section 21000) of the
29 Public Resources Code).

1 (B) The regional board is the lead agency for purposes of the
2 California Environmental Quality Act, a negative declaration is
3 required, and at least 105 days have expired since the regional
4 board assumed lead agency responsibility.

5 (C) The regional board is the lead agency for the purposes of
6 the California Environmental Quality Act, and environmental
7 impact report or written documentation prepared to meet the
8 requirements of Section 21080.5 of the Public Resources Code is
9 required, and at least one year has expired since the regional board
10 assumed lead agency responsibility.

11 (D) The regional board is a responsible agency for purposes of
12 the California Environmental Quality Act, and at least 90 days
13 have expired since certification or approval of environmental
14 documentation by the lead agency.

15 (3) The regional board's waiver pursuant to Section 13269.

16 (b) The Attorney General, at the request of a regional board,
17 shall petition the superior court for the issuance of a temporary
18 restraining order, preliminary injunction, or permanent injunction,
19 or combination thereof, as may be appropriate, prohibiting any
20 person who is violating or threatening to violate this section from
21 doing any of the following, whichever is applicable:

22 (1) Discharging the waste or fluid.

23 (2) Making any material change in the discharge.

24 (3) Constructing the injection well.

